

EXHIBIT B-2 - CONDITIONAL USE PERMIT CONDITIONS -

Approved Project

- 1. The following conditions provide guidelines to be applied for all future development within the planned development. Each future development will still be reviewed on its own merits as it relates to the need for any subsequent discretionary permit.
- 2. All future uses must be consistent with those allowed for the subject properties in the Airport area that are in the SLO Urban Area Standards (communitywide) found in Chapter 22.108.050 (Section A.4.g) of the County Land Use Ordinance, and limitation on uses identified under the urban Commercial Service standards (Sections D.1. through D.3).
- 3. ~~Based on technical reports relating to overall water, wastewater and traffic impacts, the maximum building square footage for the entire development shall be no more than 500,000 square feet. Maximum building square footage for each lot shall be based on the following formula:~~

~~$$\frac{\text{Individual lot acreage (gross)}/\text{"project" acreage (54.33 acres)} \times 500,000 \text{ square feet}}{\text{= maximum building square footage for individual lot.}}$$~~

~~(e.g. 1 acre lot/54.33 acres X 500,000 sf = 9,203 sf)~~

~~Based on technical reports relating to overall water, wastewater and traffic impacts, the maximum building square footage for the entire development shall be no more than 500,000 square feet. Maximum building square footage for each lot shall be based on the following formula:~~

~~$$\frac{\text{Individual lot acreage (gross)}/\text{"project" acreage (54.33 44.49 acres)} \times 500,000 \text{ square feet}}{\text{= maximum building square footage for individual lot.}}$$~~

~~(e.g. 1 acre lot/54.33 44.49 acres X 500,000 sf = 9,203 11,238 sf)~~
- 4. Outdoor uses shall not be included in this building square footage limitation if they are clearly shown to be incidental to building uses, and not have substantial water, wastewater, visual or traffic impacts. Additional building square footage may be requested if additional technical reports on cumulative impacts are completed and the additional development is shown to not have a significant effect.
- 5. Lots 13, 23 and 26 are non-buildable lots, with Lots 23 and 26 to be used primarily for drainage basins and Lot 13 for water-related facilities (e.g., treatment, storage).

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Centered, Indent: Left: 0", First line: 0.5", Widow/Orphan control

Environmental Mitigation Measures

AESTHETICS

6. Prior to recordation of the map:

- A. "Building and landscape corridors" will be established, which will cluster future development in a manner to provide for and maximize at least two unobstructed view corridors of distant scenic views as observed from southbound Highway 227 traffic, with the intent of providing 50% retention of the distant views of the Santa Lucia Hills. Landscaping within these view corridors shall not include any vegetation that would block these long distance views (see Exhibit C);
- B. As a part of Highway 227 frontage improvements, tract improvement plans shall provide for "gateway" features at focal points, such as the project entry points and along Highway 227. This would include one or more of the following elements: inclusion of specimen trees, intensified landscaped areas, and/or special treatments for sidewalks, trails or paved surfaces;
- C. Where feasible, drainage basins shall be created to be shallow enough to avoid the need for fencing. Also if possible, curvilinear design shall be used to create a more natural appearing feature. Basin design shall be reviewed and approved by the County prior to approval of tract improvements;
- D. All cut and fill areas shall be sufficiently "rounded" to provide a natural appearance. These areas shall be replanted as soon as possible after the grading has been completed.
- E. Gateway development guidelines for all future development shall be developed and submitted for county approval. This shall integrate the visually pleasing architectural components of both the surrounding rural agriculture uses, as well as from the more urban airport development. These guidelines shall also include design and operational provisions for all design-related components, such as landscaping, parking lots, exterior lighting, etc. These measures shall be added to the CC&Rs. As a part of any specific development submittal to the county, the recommendations of the Property Owner's Association and CC&R compliance shall be included.

7. Upon submittal of a discretionary application for new development of any lot:

- A. All future structures shall show they will be landscaped to provide a 50% screening (at plant maturity) as viewed from Highway 227 and the Union Pacific Railroad. Screening vegetation shall be evergreen, fast-growing in clay soils, and drought-tolerant. As applicable, this shall be reviewed and approved by the county prior to approval of tract improvements, or when a specific use permit application is submitted;

- B. All parking areas and outside storage areas shall be landscaped to provide a 100% screening (at plant maturity) as viewed from Highway 227 and the Union Pacific Railroad. Screening vegetation shall be evergreen, fast-growing in clay soils, and drought-tolerant. All fencing should be minimized, but when needed shall use attractive materials. Where possible, structures (on-site or surrounding) shall be used to help screen parking areas from Highway 227 and the railroad primarily, with secondary consideration given to screening from internal streets;
- C. Visibility of the exterior of all buildings or structures (e.g., water tanks, etc.) shall be subdued with darker colors (preferably with a majority of colors with a chroma and value of no greater than "6", as found in the Munsell's Book of Color) that blend with colors of the natural environment. Specific development colors shall be reviewed at the time of specific use permits are submitted for approval;
- D. No portion of any structure, including roof-mounted equipment, shall exceed 35 feet. All roof-mounted equipment shall not be visible as viewed from Highway 227 and the Union Pacific Railroad, and, as needed, shall be architecturally screened (e.g. roof parapets, etc.); all efforts will be made during building design to make the structure as low profile as possible and in a manner that maximizes views of the surrounding hills.
- E. For any lot fronting Highway 227, it shall locate structures as far from Highway 227 as is possible, and no closer than 50 feet from the edge of Highway 227;
- F. The structures on the first lots most visible from Highway 227 (Tentative Tract Map **Lots 1, 2, 15, 16, 17, 21, 22, 24, 25**) shall be low profile and include a variety of architectural features (e.g., vary exterior planes and depths and roof heights, articulated surfaces, use a variety of materials, etc.) to reduce massing. As a gateway to the City of San Luis Obispo, these lots shall consider those gateway components provided in the City's Airport Area Specific Plan that would be applicable to the development, recognizing the rural nature and Edna Valley wine country influences;
- G. Building design and materials shall utilize to the extent possible, features that recognize and are harmonious with the surrounding agricultural and rural character of the area;
- H. Buildings shall be well articulated which provide for human scale, visual interest, and distinctive qualities;
- I. All monument signage shall be low profile and no more than four feet in height. Building or other signage shall not be "backlit"; If the sign is illuminated, it shall be internally illuminated.
- J. The following areas will be fully screened from Highway 227 and the railroad: loading, service, storage, trash, recycling collection areas, utilities. Where

Formatted: Justified, Indent: Hanging: 1", Widow/Orphan control, Tab stops: 0.5", Left

appropriate, landscaping shall be used to “soften” or enhance the screened area.

- K. All landscaping not needed for buildings or other structures shall be “low profile”, where long distance views through the site are maximized.
- 8. All water tanks, as applicable, shall be low profile and landscaped to provide a 100% screening (at plant maturity) as viewed from Highway 227 and the Union Pacific Railroad. Screening vegetation shall be evergreen, fast-growing in clay soils, drought-tolerant, and maintained by the Property Owner’s Association for the life of the development.
- 9. All fencing should be minimized, but when needed shall use attractive materials. Such materials shall be shown on any applicable plans submitted to the county for review and approval.
- 10. All exterior lighting proposed shall be shielded and directed downwards into the development. The height of light standards shall be no higher than determined absolutely necessary for its specific application. Light intensity shall be no more than determined necessary for safety purposes. Light sources shall be of energy efficient design (e.g. sodium-based, metal halide, etc.). As a part of any specific use permit application submittal, a lighting plan shall be submitted that incorporates the above measures.
- 11. The Master Landscape Concept Plan (see Exhibit C) for streets, drainage basins and well fields shall be implemented at the time each of these improvements has been completed, and prior to final inspection of said improvement. Detailed plans shall be submitted for county approval at the time plans are submitted for each improvement. These landscaped areas shall be maintained in perpetuity by the Property Owner’s Association.

AGRICULTURE

12. **For tentative tract map Lots 14, 15 and 16:**

- A. **At the time specific development is proposed**, a landscape plan shall be included with application submittal which will provide a solid landscaped buffer along the southeastern edge of the lot (closest to the agricultural operations to the southeast) within 5 years. Plant materials shall consist of a mix of trees and shrubs that are evergreen, fast-growing in clay soils, and drought tolerant;
- B. Due to potential agricultural compatibility concerns with certain allowed uses, a Minor Use Permit (or higher level of discretionary review if required otherwise) shall be obtained to establish any use (referrals shall be sent to Ag. Department to determine use compatibility). Only uses that are determined compatible with nearby agricultural activities shall be allowed. Establishing compatibility may include incorporation of an agricultural setback buffer for structures or certain outdoor activities;

- C. Disclose to all owners, potential purchasers, occupants and potential occupants of the existing agricultural operation to the southeast, as well as provide the most current "Right to Farm" ordinance.

AIRPORT SAFETY

- 13. The applicant shall incorporate all of the components identified in the attached "Airport Compatibility Analysis" as it relates to tract design and improvements, as well as all subsequent development. In addition, if any exterior lighting is proposed as a part of tract improvements, a lighting plan shall be prepared and submitted for county approval that shows how exterior lighting will not conflict with airport lighting.
- 14. The "extended centerline of Runway 25" shall be shown on all applicable tract improvement plans, as well as for all applicable construction or discretionary plans of tract lots proposing development in the future that are within 250 feet of the centerline.
- 15. **As a part of any specific development application submittal:**
 - A. All applicable plans shall locate the Airport "Zone(s)" that is (are) on the property;
 - B. No buildings shall be allowed within 50 feet of the "extended centerline of Runway 25";
 - C. No more than 50% of the area between the runway centerline and 250 feet from the centerline shall be considered "usable" for structures or concentrations of people. The remaining "non-building" area can be used for non-habitable uses, such as parking lots, landscaping, leach fields, etc. Where practical, surrounding approved or built structures shall be considered when placing new structure(s) with the goal to provide extended "non-habitated" areas that are parallel with the runway centerline;
 - D. All uses shall discuss its electrical needs and discuss how each use will not interfere with navigation signals or radio communications between aircraft and the airport. If the use could interfere with this communication it shall not be allowed;
 - E. All roof materials will be non-reflective;
 - F. All uses, as a part of its application submittal, shall show how all exterior lighting will not conflict with airport lighting;
 - G. No portion of the structure, including roof mounted equipment, shall exceed 35 feet in height;

- H. No landscaping, at maturity, shall exceed 40 feet in height;
 - I. All future development shall meet and maintain the requirements of FAR 77 "Objects Affecting Navigable Airspace";
 - J. A noise analysis shall be included, by a qualified expert, that would include all necessary measures to achieve a 45 dB CNEL interior noise level. All applicable construction plans shall show installation of these noise measures;
 - K. No uses shall be permitted that are not allowed in the most current Airport Land Use Plan.
16. **Prior to map recordation or occupancy of any structure**, an aviation easement shall be executed and recorded for each lot, and/or amended as needed. This document shall be disclosed to all owners, potential purchasers, occupants, potential occupants of the presence of the San Luis Obispo County Regional Airport and its associated airport operation impacts prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property within this tract.
17. At the time specific development is proposed, plans shall clearly show what Airport Land Use zone(s) overlay the property. Proposed uses shall comply with the most current San Luis Obispo County Airport Land Use Compatibility Use Matrix for Zones 3, 4 and 5, as applicable.

AIR QUALITY

18. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) and ozone control measures. These measures shall be shown on the tract improvement plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- A. Reduce the amount of disturbed area where possible;
 - B. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - C. All dirt stock pile areas should be sprayed daily as needed;
 - D. Permanent dust control measures, such as implementation of approved landscape plans, shall be implemented as soon as possible following completion of any soil disturbing activities.

E. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating non-aggressive grass seed (e.g., native, barley) and watered until vegetation is established;

Formatted: Indent: First line: 0"

F. All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD that will not have a negative impact to downstream creeks;

G. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible;

H. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114 (This measure has the potential to reduce PM10 (particulate matter) emissions from this source by 7 to 14%);

I. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site (This measure has the potential to reduce PM10 emissions from this source 40 to 70%);

J. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible (This measure has the potential to reduce PM10 emissions from this source 25 to 60%);

K. Maintain equipment in tune per manufacturer's specifications;

L. Limit the cut and fill process to less than 2,000 cubic yards per day.

At the time of application for construction permits, the applicant shall show all dust control measures from Condition #18 of the original Conditional Use Permit on the construction plans along with the following: the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to start of any grading, earthwork or demolition.

Formatted: Indent: Left: 0", Hanging: 0.5"

At the time of application for construction permits, the applicant shall provide the APCD with a list of equipment to be used during construction activities to determine if an APCD permit is required. A list of equipment that may require a permit is in the attached referral response from the APCD. Prior to issuance of construction permits, the

Formatted: Indent: Left: 0.5", First line: 0", Tab stops: 0.5", Left

applicant shall obtain an APCD permit and show proof of such permit, if required or an exemption if no permit is needed.

At the time of application for construction permits, the applicant shall implement a minimum of eight mitigation measures from the Mitigation Measures Table 3-5 of the APCD's CEQA Handbook. Many of these measures are already included in the project's current design; however, these measures shall be outlined on the project plans and indicated how they are met.

Formatted: Indent: Left: 0.5", First line: 0"

At the time of application for construction permits, the applicant shall include all feasible and applicable green building techniques outlined in the APCD's referral response.

Formatted: Indent: First line: 0"

19. **At the time specific development is proposed:**

- A. Parking areas should include the planting of trees that will provide shade for vehicles to reduce latent emissions from hot vehicle engines;
- B. Provide for attractive and desirable on-site eating areas;
- C. Determine if the location and/or amount of proposed development would warrant the need for an additional transit stop, and as appropriate, include in the project design.

CULTURAL RESOURCES

20. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

Formatted: Indent: First line: 0"

b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

DRAINAGE

21. Future development shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program, as applicable.

22. To the extent possible, all future development shall drain into the tract drainage basins.

For all portions of development where drainage will not be directed into a basin, it shall be first intercepted by properly sized hydrocarbon separators/filters. These measures shall be shown on all applicable construction plans and approved by the county prior to commencement of improvements.

23. **At the time specific development is proposed**, to minimize potential sedimentation to downstream resources, a sedimentation and erosion control plan shall be prepared for all proposed grading. Any disturbed areas shall be revegetated as soon as possible, and prior to final inspection.

FIRE SAFETY

24. Per CDF's correspondence (6/25/02), the following measures, in addition to standard fire safety measures shall be incorporated into the project: provide for a "secondary fire access" along the southern edge of proposed lots 21 and 23 (one-way 12-foot wide all weather road would be acceptable); providing a future connection with existing access along southern edge of property (Lots 14-16) or eventually to Buckley Road is encouraged; adequate measures (per CDF approval) shall be placed over water reservoir to keep debris out.
25. **At the time specific development is proposed**, the applicant shall show on plans to the county Department of Planning and Building compliance with the county Fire Department (CDF)-approved fire safety plan. The plans shall show, but not be limited to the following, to the satisfaction of CDF:
- A. Installation of a commercial fire/life safety sprinkler system (monitored by licensed alarm company);
 - B. Provision of portable fire extinguishers;
 - C. Buildings to have a protected stairway access to the roof if the building eave is over 18 feet in height and the building is over 5,000 square feet;
 - D. Any building that is over 20,000 square feet and over 18 feet in eave height shall have a 2-1/2 inch dry standpipe system which includes an outlet on the roof near the roof access;
 - E. Any building over 18 feet in eave height will install fixed laddering at two remote locations or provide landscaping (as defined by CDF) which reduces the ladder access height to 18 feet. The exception to this requirement is if the building has a protected stairway to the roof;
 - F. Any building that exceeds 12,001 square feet that will be used for "high piled storage" (as defined by CDF), or the building has an unspecified use capable of "high piled storage" will be required to have a smoke and heat removal system as required in Table 81A of the California Fire Code;

- G. Sprinkler systems in buildings that have unspecified uses will require an automatic sprinkler system with a minimum density of no less than that required for an Ordinary Hazard Group 2, which uses a minimum design area of 3,000 square feet. For buildings of unspecified use with ceiling heights of over 20 feet, the system shall be designed for a minimum density of 0.33 square feet with a minimum design area of 3,000 square feet; higher fire safety risk uses may require more extensive sprinkler systems;
- H. All buildings shall be within 150 feet from a fire access road;
- I. Provision of at least 180,000 gallons exclusively for stored fire water (1,500 gallons/minute for 120 minutes) available at all times with water pressure between 20 and 150 psi;
- J. Installation of several fire hydrants meeting CDF standards;
- K. Provision of a minimum of 20 foot fire lanes that are all-weather surfaces;
- L. Roads that provide for at least a 30-ton load capacity (City of SLO Fire Department requirement); and
- M. Identify what, if any, hazardous materials or wastes could result from the proposed use. In addition, the application will identify how any such materials or wastes will be handled or stored on-site.

Hazards

Prior to issuance of construction permit, the applicant shall list all hazardous materials or wastes that could result from any proposed use, and how it will be handled to keep out of the community wastewater system and groundwater.

NOISE

- 26. **For tentative tract map Lots 1 - 12 and 25: at the time specific development is proposed**, the application shall include all proposed indoor and outdoor uses, as well as any loud, noise generating equipment to be used. Should any of these uses or equipment have the potential to generate noise that may exceed Noise Element thresholds (including potential impacts to residences to the north and east), a noise study shall be submitted evaluating these items and determine what measures can be implemented to reduce noise impacts to less than significant levels.

TRAFFIC/CIRCULATION

- 27. **Pre-realignment of Airport Drive west of Highway 227** - Should specific development within the tract be approved prior to the County Airport realigning Airport Drive with the tract's northern access road, the applicant shall install a median (or functional equivalent) along Highway 227, meeting Caltrans approval and design standards, to prevent left turns to or from Airport Drive onto Highway 227, **prior to occupancy of the**

Formatted: Indent: Left: 0", First line: 0"

first development.

28. **At the time specific development is proposed** (involving the establishment of new buildings or outdoor use areas), a cumulative summary of all previously approved and pending applications shall be submitted for the 68 acres known as the Senn/Glick development (D000336D) and the Morabito/Burke development (Tract 2368 - see Figure 1). If the cumulative total (including the proposed use) of approved and pending uses is greater than 450,000 square feet of gross floor area, a traffic signal warrant analysis shall be conducted by the applicant for review by the County and Caltrans. When the warrants for the installation of the traffic signal are met, the signal shall be installed at the Highway 227/project access road/Airport Drive (realigned location) intersection prior to occupancy or final inspection (whichever occurs first) of the proposed building(s). All monies previously collected by Caltrans/ MOU for this purpose shall be provided to help offset the costs of the traffic signal.
29. **At the time specific development is proposed:**
- A. Pedestrian access shall be provided between the main building entrance and the primary street serving the development; pedestrian access shall also be provided to adjacent development, where appropriate;
 - B. Parking lot design shall consider and design for where feasible, connection to adjacent property parking lots.

WASTEWATER

30. **For the life of the project, wastewater will be handled through a community wastewater system (Fiero Lane Mutual Water Company) until such time as the property is annexed into the City and connects to the City's wastewater system.**

~~Wastewater will be handled through individual septic systems until such time the city sewer is available.~~

Formatted: Indent: First line: 0"

31. ~~**At the time specific development is proposed,**~~

- ~~A. plans shall show location of leach lines and all wells within 250 feet of these leach lines. Wells shall be identified as being a potable or non-potable water source, as has been previously approved through Environmental Health Division. No leach line shall be proposed within 200 feet of a potable community or "private" well (includes any "backup" well), or 100 feet from non-potable sources;~~
- ~~B. plans shall show location of "dry" sewer lines (for future connection to city services);~~
- ~~C. The applicant shall list all hazardous materials or wastes that could result from any proposed use, and how it will be handled to keep out of the on-site septic system and groundwater.~~

~~32. At the time specific development is proposed, dry main sewer lines shall be shown on plans and installed (for hook up to main line). Improvement plans shall show location of "dry" wastewater lines with pipe sizing based on the specific development's estimated indoor water use. The applicant shall work with the City of San Luis Obispo to determine appropriate location(s) and any related infrastructure requirements to maximize compatibility with city systems.~~

30. Prior to issuance of construction permits, the applicant shall provide will-serve letters from service provider to the County that shows the wastewater provider has sufficient capacity to serve the proposed development.

WATER

33. Based on the tentative tract map, the wells to be used for community potable water will be as follows: #1, #5, #6 & #7. Two existing private on-site community wells (#3 & #9) are proposed for off-site use (Senn development). All other wells existing at tentative map approval (e.g., #2 & #4) shall be for non-potable uses.
34. Further well drilling for potable use shall be at least 200' from existing or future leach line areas (undeveloped or partially developed properties where percolation testing has been done [with acceptable rates] for future leach lines).
35. All landscaping shall be drought tolerant and considered low water users. As a part of specific future development application submittal, the applicant shall show how the landscaping will have low-water requirements. As applicable, at a minimum the following shall be used:
- a. all common area irrigation shall employ low water use techniques (e.g., drip irrigation);
 - b. landscaping be drought-tolerant and having low water requirements (e.g. use of native vegetation); and
 - c. all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.

Prior to issuance of construction permits, the applicant shall provide will-serve letters from service provider to the County that shows the water provider has sufficient water to serve the proposed development.

Formatted: Indent: First line: 0"

36. Prior to occupancy or final inspection, whichever occurs first, water meters shall be installed to meter the following on Lot : all potable and non-potable water sources; all outdoor water use; and each interior use within the building. Prior to issuance of construction permits, these meters shall be shown on all applicable construction plans. For the life of the project, all meters shall be kept in good working order. Tertiary-treated water shall be metered, but not to be included further in this condition.

For the life of the project on Lot _____, the East Airport Mutual Water Company (EAMWC) or Fiero Lane Mutual Water Company (FLMWC) or property owner's association (POA) shall establish a water usage allocation for Lot 10 "water use maximum" (see subsequent "maximum water use" condition). The EAMWC or FLMWC or POA will provide each tenant with their monthly usage, their year-to-date running total, their overall yearly "base" allotment, and Lot 10's running total and overall maximum allowed. Bi-annual reports for the previous six months of usage shall be made available to the county (Planning & Building Department) and each tenant no later than July 31st and January 31st respectively. Should the mid-year report show that at the current usage rate the maximum Lot 10 yearly allotment will be exceeded, all tenants will be put on notice to conserve and those exceeding their "base" (plus any approved "reserve") allotments (see following "reserve program" discussion) will be subject to additional conservation measures (e.g., replace toilets with dual-flush toilets, etc.) if the annual Lot 10 maximum amount (including all approved "reserve" amounts) is exceeded. When applicable, these additional water conservation measures shall be implemented within 60 days of the release of the annual report, but no later than March 31.

In the event that other lots within Tract 2368 use less water than their respective, pro-rata share of the available capacity, the water company may create a "reserve program" whereby on a monthly basis, any unused reserves can be requested and allocated to other lots within the Tract on a monthly basis, as long as unused "reserve" water is available. Such modifications shall be summarized annually in writing to the SLO Co. Planning Department, and an updated allocation summary shall be maintained on file by the Water Company for each legal parcel in the service area.

~~Water meters shall be installed for all indoor and outdoor water usage. The project's property owner's association (POA) shall obtain from the water purveyor water information for each well serving the development, as well as meter readings from each specific development, and provide to the county (Planning Dept. and Environmental Health Division) as an annual report which would include the following:~~

- ~~a. Monthly water levels reading from all water purveyor wells serving the development, and pumpage consumed from these wells and each approved development, including water used for irrigation or any water filtering system(s) (e.g., reverse osmosis including brine, etc.);~~
- ~~b. Provide the areal extent of the mutual water company's boundaries (in acres);~~
- ~~c. Testing done for certain volatile and synthetic organic compounds (appropriate testing intervals to be determined by the Environmental Health Division);~~
- ~~d. Determine on a yearly basis that the leakage/loss within the water piping system is not greater than 15%. If the loss exceeds 15%, then the leaky section of pipe will be found and repaired within 60 days of detection by water purveyor or POA;~~
- ~~e. Monthly readings shall be made available upon request of the county or other~~

Formatted: Indent: Left: 0"

prospective developments within the tract.

37. ~~At the time a specific development is proposed~~, all uses shall be specified and water usage and extraction quantified using accepted "industry" averages (e.g., UPC, County Master Water Plan, etc.), or based on similar project-specific water data that has been adequately verified for accuracy, as available. Use(s) shall be compared to the proportional estimate for the entire development (see below), based on annual "drought year" project total of 11.42 afy and "average year" total of 16.06 afy. ~~Prior to specific development approval~~, the proposed use must clearly show how the project can achieve drought water usage levels during a "severe" drought, which will go into effect at the point a "severe drought" is identified (see Item #7a). The maximum water usage amount to be allowed for a project will be its proportional share of the "average recharge" estimate.(16.06 afy) Proportional water estimates will be based on the following formulas:

~~"Drought Year Estimate"~~ $\left[\frac{(58 \text{ acres} \times 0.24 \text{ acre feet/year})}{54.33} \right] \times \text{project acreage} = \text{estimated water usage for parcel}$

~~Example: 1.5 acres = 0.315 afy~~

~~"Average Year Estimate"~~ $\left[\frac{(58 \text{ acres} \times 0.32 \text{ acre feet/year})}{54.33} \right] \times \text{project acreage} = \text{estimated water usage for parcel}$

~~Example: 1.5 acres = 0.42 afy~~

~~*recharge rate based on Katherman reports (Undated; Dec., 2001)~~

At the time a specific development is proposed, all uses shall be specified and water usage and extraction quantified using accepted "industry" averages (e.g., UPC, County Master Water Plan, etc.), or based on similar project-specific water data that has been adequately verified for accuracy, as available. Use(s) shall be compared to the proportional estimate for the entire development (see below), based on annual "drought year" project total of 11.42 afy and "average year" total of 16.06 afy. Prior to specific development approval, the proposed use must clearly show how the project can achieve drought water usage levels during a "severe" drought, which will go into effect at the point a "severe drought" is identified (see Item #7a). The maximum water usage amount to be allowed for a project will be its proportional share of the "average recharge" estimate.(16.06 afy) Proportional water estimates will be based on the following formulas:

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Font: (Default) Arial, Bold

Formatted: Normal, Indent: Left: 0.5", First line: 0"

Formatted: Font: (Default) Arial

"Drought Year Estimate" - [(58 68 acres X 0.24 acre feet/year*) - 2.5 afy (Senn/ APN 076-511-010)] X project acreage/ 54.33 44.49 ("adjusted" acreage) = estimated water usage for parcel

Example: 1.5 acres = 0.345 0.466 afy

"Average Year Estimate" - [(58 68 acres X 0.32 acre feet/year*) - 2.5 afy (Senn/ APN 076-511-010)] X project acreage/ 54.33 44.49 ("adjusted" acreage) = estimated water usage for parcel

Example: 1.5 acres = 0.42 0.649 afy

*recharge rate based on Katherman reports (Undated; Dec., 2001)

Formatted: Indent: Left: 0", Hanging: 0.5"

For the life of the project, tertiary-treated water that originated from the development's wastewater may be used for landscaping purposes. Based on the non-drought maximum amount allocated for this lot (0.677 afy) and that up to 70% would be expected for indoor use, up to 0.47 afy of treated water may be used for landscaping above the non-drought maximum amount. Any such secondary water delivery system will include the necessary components to avoid cross-contamination with the potable supply.

Formatted: Indent: First line: 0"

For the life of the project, no individual self-generating water softeners shall be installed, subject to the prior approval of the County, exceptions shall be made for medical and other related facilities so long as such discharge complies with RWQCB Order No. R3-2004-0154.

38. **At the time a specific development is proposed**, the application shall show how it complies with the master "Drought Water Management Program". Any water usage feature not fully covered under the master "Drought Water Management Plan" shall be fully discussed and shown how it will achieve at least a 25% reduction during drought periods. All drought water conservation measures would go into effect during periods of "severe" drought, as defined in the master plan.

Once it is determined that a "severe" drought condition exists, restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the county that the "severe" drought condition no longer exists.

39. **As a part of each individual development application submittal:**

- A. The summary information specified in condition #34 shall be obtained and submitted as a part of any new development application. Should the water usage summary information on existing and previously approved development, combined with the proposed project, show that more than its proportional share of water is being used, additional groundwater analysis shall be provided (prepared by a qualified hydrogeologist) to determine what additional conservation measures can be incorporated into the project or off-site to achieve the proportional amount, such as considering additional water conservation measures or use/size limitations on the proposed development;

- B. All water fixtures installed (including showers) that are not specified in the Uniform Plumbing Code shall be of “ultra low” flow design, where applicable;
 - C. Identify on all applicable plans the location of project water meters for potable and non-potable water sources that include all indoor and outdoor water uses. **Prior to final building permit or occupancy**, these meters shall be installed.
 - D. If any water filtering system (e.g., reverse osmosis, etc.) is used or needed to provide potable water, the resulting “waste” water (e.g., brine) shall be included as a part of the project’s water usage estimate (i.e., if it takes 1.5 afy of untreated water to create 1.0 afy of potable water, water usage is 1.5 afy). All efforts will be made to incorporate the re-use of the “waste” water into the project design (e.g., second line installed for non-potable uses). Any such secondary system will include the necessary components to avoid cross-contamination with potable supply.
40. All public improvements (roads, drainage, utilities) shall be completed prior to occupancy of any new structure.

Covenants, Conditions and Restrictions

41. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R’s shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin fencing in perpetuity.
 - b. On-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - c. Maintenance of drainage basin and storm water treatment system.
 - d. Notification to prospective buyers of Lots 14, 15 and 16 of the county’s Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - e. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - f. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - g. A commercial property owner’s association (POA) shall be established to provide the financial means to maintain all common components (e.g., common landscape areas, infrastructure not deemed the responsibility of the county or county-approved provider (e.g., mutual water company), county-required reports, etc.). Include an oversight provision to review new projects for consistency with CC&Rs.
 - h. “Gateway” development guidelines for future development.

- i. Airport Safety provisions.
- j. All other conditions relating to new development on each lot.

Miscellaneous

- 42. All future development is subject to the standard conditions of approval for **community water and individual septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 43. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board for subsequent development on each lot. Provide evidence that it has been obtained or is unnecessary upon submittal of any development application.
- 44. **Prior to map recordation**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
- 45. All timeframes on approved tentative maps for filing of final tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 46. **At the time of construction permits**, the applicant shall pay all applicable public facilities fees. The amount of the fees collected shall be what is currently in effect as of the time of the issuance of construction permits.
- 47. To address the cumulative effects of the project, the applicant shall:
 - 1. Pay Transportation Improvement Fees to City Public Works not to exceed \$200,000 (\$57 per ADT), and
 - 2. One of the following:
 - i. Payment of Road Improvement Fees to County Public Works, not to exceed \$116,000 (\$33 per ADT), if an impact fee program for this area has been established under the authority of the Mitigation Fee Act and County Ordinance No. 2379. Any capital improvements constructed by the applicant, which are included in the calculation of the fees, or reports prepared by the applicant which are related to the implementation of the impact fee program, shall be considered an "in-kind" contribution and credited against the amount that would otherwise be owed; or
 - ii. Enter into an "Agreement for Pro-Rata Share for Improvements" with Caltrans, in which the applicant agrees to deposit \$116,000 (\$33 per ADT), plus an inflation factor based on Caltrans Highway Construction Cost Index, toward improvements as specified in Table 8 of the Traffic Impact Analysis prepared for the project, or additional improvements listed in #32.h.iii below. Applicant shall provide receipt or other written documentation from Caltrans that the funds have been deposited. Any

capital improvements constructed by the applicant, or reports prepared by the applicant, which are related to the implementation of the cumulative mitigation measures, shall be considered an "in-kind" contribution and credited against the amount that would otherwise be owed; or

- iii. Construct one or more of the following improvements and document that the total value of improvements constructed equals or exceeds \$116,000 (\$33 per ADT), plus an inflation factor based on Caltrans Highway Construction Cost Index:
 - a. Southbound right-turn deceleration lane on Highway 227 at Crestmont Drive.
 - b. Two-way left-turn lane on Highway 227 between Crestmont Drive and Los Ranchos Road.
 - c. Extend the southbound right-turn deceleration lane on Highway 227 at Los Ranchos Road. Any capital improvements constructed by the applicant, or reports prepared by the applicant, which are related to the implementation of the cumulative mitigation measures, shall be considered an "inkind" contribution and credited against the amount that would otherwise be owed.

48. Permit Requirements and Design Standards for Lots 9, 11 and 12 of Tract 2368

- A. At the time specific development is proposed, a Minor Use Permit (or higher level of discretionary review if required otherwise) shall be obtained to establish the use and compatibility with the neighboring residential uses (i.e., viewer group expectations and sensitivity).
- B. Lighting: Lighting shall be prohibited on those portions of structures directly facing the northeastern edge of the lots.
- C. Building heights on Lots 9, 11, and 12 shall be limited to a single-story with a maximum height of twenty-five feet (25') above existing grade(s).
- D. Windows: Windows shall be prohibited on those portions of proposed buildings on Lots 11 and 12, located along the northeastern edge of the lots neighboring residential use(s). Windows on those portions of the proposed building on Lot 9 along the northeastern edge of the lot shall be limited to a height of ten feet (10'). Windows shall be tinted, angled and/or recessed to prevent indoor lighting from being visible from the neighboring residential uses after sunset.
- E. Building Setbacks;
 - i. Lot 9 - Thirty feet (30') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.

- ii. Lots 11 & 12 - Seventy-five feet (75') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
- F. The following plans and/or reports shall be included with application submittal:
 - i. Visual Impact Analysis. The visual impact analysis shall identify the critical project components as proposed by the applicant (building location, building height, location of and type of glazing, building color, site lighting and landscaping) and allowed under applicable ordinances. The analysis shall include determining impacts to the neighboring residential uses and possible mitigation measures to lessen any potentially significant visual impacts. The analysis shall utilize line of sight diagrams, photographic simulations or other available technology to evaluate the project's impact to the neighboring residential use(s) and to depict applied mitigation measures illustrating potential effectiveness.
 - ii. Landscape Plan: Submit a landscape plan, prepared by a qualified individual, that will either provide for a solid landscaped buffer along portions of the northeastern edge of the lots 9, 11 and 12 or demonstrate (through the visual impact analysis) that the proposed landscape will provide for adequate privacy screening. Plant material shall consist of a mix of trees and shrubs that are evergreen, fast-growing in clay soils, and drought tolerant.
 - iii. Lighting Plan: Submit a building and site lighting plan. Plan shall depict that all lighting fixtures that are visible to surrounding residences be designed to direct light downward, fully contain direct glare on site, and shall be hooded and shielded, accordingly. Low-profile (bollard type with a maximum height of four feet), minimum intensity lighting shall be utilized. Non-glare lighting shall be used throughout the proposed project. Any security lighting shall be screened such that lights are not visible at a distance of 30 feet.
- G. These measures shall no longer be in effect if the neighboring residential uses cease to exist.